

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KENNETH L. VONEIDA</b>	:	<b>CIVIL ACTION NO. 1:11-CV-0865</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>COMMONWEALTH OF PENNSYLVANIA; GOVERNOR TOM CORBETT; ATTORNEY GENERAL WILLIAM RYAN JR.; and PENNSYLVANIA STATE POLICE COMMISSIONER FRANK NOONAN</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 30th of November, 2011, upon consideration of the report and recommendation of United States Magistrate Judge Andrew Smyser (Doc. 9), recommending that the court order plaintiff Kenneth L. Voneida (“Voneida”) to effect service upon the defendants, and following an independent review of the record and noting that Voneida filed objections<sup>1</sup> to the report on November 1, 2011 (Doc. 10), and the court finding Judge Smyser’s analysis to be thorough and well-reasoned, and the court finding defendant’s objections to be without merit and squarely addressed by Judge Smyser’s report, it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge’s report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). “In this regard, Local Rule of Court 72.3 requires ‘written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.’” Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The report and recommendation of the magistrate judge (Doc. 9) are ADOPTED.
2. Voneida is directed to effect service upon the defendants in the manner provided by Rule 4 of the Federal Rules of Civil Procedure within thirty (30) days of entry of this order. Failure to comply with this order will result in dismissal of the above-captioned case with prejudice.
3. The above-captioned matter is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge